

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

ELLIOT ON ABERNATHY  
BORROWER LLC and  
BIRCHSTONE RESIDENTIAL,

Plaintiffs,

v.

RACQUEL NEILLY and all others,

Defendants.

---

CIVIL ACTION FILE  
NO. 1:22-cv-00116-WMR

**ORDER**

This matter is before the Court on the Magistrate Judge’s Final Report and Recommendation (“R & R”) [Doc. 3], which recommends that this dispossessory action be remanded to the Magistrate Court of Fulton County based on lack subject matter jurisdiction. No objection to the R & R has been filed.


**I. LEGAL STANDARD**

Under 28 U.S.C. § 636(b)(1), the Court reviews the R & R for clear error if no objections are filed by a party within 14 days after being served with a copy. If a party files objections, however, the Court must determine *de novo* any part of the R & R that is the subject of a proper objection. *Id.* As no objection to the R & R has been filed in this case, the clear error standard applies.

## II. CONCLUSION

After considering the Final Report and Recommendation [Doc. 3], the Court receives the R & R with approval and adopts its findings and legal conclusions as the Opinion of this Court. Accordingly, it is hereby ORDERED that the case be **REMANDED** to the Magistrate Court of Fulton County. The Clerk of Court is directed to close this file.

IT IS SO ORDERED, this 17th day of March, 2022.

  
\_\_\_\_\_  
WILLIAM M. RAY, II  
UNITED STATES DISTRICT JUDGE